

ZB# 86-24

Joseph Schiavone

57-1-61.61

86-24- Schiavone, Joseph - area variances

Prelim. #
July 14, 1986.

Apps. furnished

Public Hearing:
Aug. 11, 1986 - Decision
Reserved -
7/17/86 Notice to Sentinel -

~~Area~~,
~~Variances~~
~~Granted~~
~~8/11/86~~
Matter Tabled -
Applicant Decided
to withdraw

Ap. & go to
Planning Board
for road layout.

Area variances
Granted on
April 27, 1987.

General Receipt

7953

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

August 1, 19 86

Received of

Joseph T. Scheavone

\$ 25.00

Twenty - Five and 00/100

DOLLARS

For

Variance Application Fee, #86-24

DISTRIBUTION:

FUND	CODE	AMOUNT
Chk # 795		25.00

By

Payline H. Teopance

Town Clerk

Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCES

JOSEPH SCHIAVONE, THERESA SCHIAVONE and
ELAINE SCHIAVONE.

#86-24.

-----X

WHEREAS, JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, residing at R. D. 4, Box 386, Vascello Road, New Windsor, N. Y. 12550, have made application before the Zoning Board of Appeals for area variances for purposes of construction of a single-family residential dwelling on Lakeside Drive, New Windsor, New York in an R-4 zone; and

WHEREAS, a public hearing was held on the 11th day of August, 1986 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, JOSEPH SCHIAVONE, appeared;

WHEREAS, the application was opposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to construct a single-family residential dwelling in an R-4 zone with insufficient lot width, sideyard and street frontage. Area in question was originally to be used as a roadway.

3. The evidence presented by the applicant substantiated the fact that the proposed construction would not be detrimental to the neighboring properties.

4. Applicant, SCHIAVONE, submitted proof to the Board that he was in possession of a pertinent quitclaim deed from the Town of New Windsor, giving title to applicants of the property in question and relinquishing the area which was formerly a roadway.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicants will encounter practical difficulty if the variance requested is not granted

due to the fact that applicants cannot obtain any additional property within which to construct the residence in question.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT area variances as follows: (1) 46 ft. 5 in. lot width; (2) 3 ft./1 ft. 5 in. for a total of 4 ft. 5 in. sideyard and (3) 6 ft. 5 in. street frontage for construction of a single-family residential dwelling in accordance with plans submitted at public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: May 11, 1987.


Chairman

Rec'd. 4/7/87 - TA Office
ZBA

R.D. 4 Box 386 Vascello Rd
New Windsor, N.Y. 12550
April 5th 1987

Zoning Board Members & Building Dept, CC: ZBA
555 Union Ave
New Windsor, N.Y. 12550

Dear Chairman & members of Zoning Board,

I am writing regarding the status of my request for variance to build on my property.

Since, I have been to the Zoning Board, I have been contacted by town officials, regarding giving the town an easement. For the control of the sewer line thru my property. I have agreed to this, and they agree to give me a quit claim deed, so stating they have no interest in said property as a possible road, or to build a road in the future.

The facts relating to this matter are known by the Secretary of Zoning Board & she has the written copies & signed statements, Easement & Quit Claims signed by both parties.

I trust this should clear up any doubt, about any claim, regarding this property for a road.

I await your decision, and that I will be granted a variance and I can build.

Yours Sincerely,
Scherone family

Revised: 7/16/86.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 7/16/ 1986

To: JOSEPH-TERESA + ELAINE SCHIAVONE

RD 4 BOX 386 VASELLO RD

BEAVER DAM NEW WINDSOR

PLEASE TAKE NOTICE that your application dated 6-22 1986

for permit to BUILD DWELLING P 4 ZONE

at the premises located at LAKE SIDE DRIVE

is returned herewith and disapproved on the following grounds:

- ① REQD. LOT WIDTH 100' AVAILABLE 53'7" REQUEST 46'5"
- ② REQD. SIDE YARD 15' AVAILABLE 12' REQUEST 3'
- ③ REQD. SIDE YARD 15' AVAILABLE 13'7" REQUEST 1'5"
- ④ REQD. STREET FRONTAGE 60' AVAILABLE 53'7" REQUEST 6'5"

Michael Batach
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width	<u>100</u>	<u>53'7"</u>
Reqd. Front Yd.		<u>46'5"</u>

ORANGE COUNTY, N. Y.
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Michael B. Baker
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width	<u>100</u>	<u>53'7"</u> <u>46'5"</u>
Reqd. Front Yd.		
Reqd. Side Yd.	<u>15/15</u>	<u>12/13'7"</u> <u>3/1'5"</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*	<u>60'</u>	<u>53'7"</u> <u>6'5"</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	<u>%</u>	<u>%</u> <u>%</u>
Floor Area Ratio**		

* Residential Districts only
** Non-residential districts only



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

April 28, 1987

Mr. and Mrs. Joseph Schiavone
Ms. Elaine Schiavone
R. D. 4 - Box 386 - Vascello Road
New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCES
#86-24

Dear Mr. and Mrs. Schiavone and Elaine:

This is to confirm that the Zoning Board of Appeals made a decision to approve the above application for a variance at the April 27, 1987 meeting.

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

A handwritten signature in cursive script that reads 'Patricia A. Barnhart'.

PATRICIA A. BARNHART
Secretary

/pab

cc: Town Planning Board
Town Building Inspector Babcock

*File
TA*

TO: TOWN SUPERVISOR PETRO
COUNCILMAN HEFT
COUNCILMAN ROSSINI
COUNCILWOMAN FIEDELHOLTZ
COUNCILMAN SPIGNARDO

FROM: ZONING BOARD OF APPEALS

SUBJECT: SCHIAVONE REQUEST FOR AREA VARIANCE
Section 57 - Block 1 - Lot 61.61

DATE: April 14, 1987

Joseph Schiavone is requesting an area variance from the Zoning Board of Appeals to construct a residential dwelling on a lot on Lakeside Drive that was quitclaimed by the Town of New Windsor to him on March 30, 1987.

The ZBA is hesitant to take any action on the variance until the Town Board forwards specific information regarding this lot which was originally designated as a roadway through the Schiavone Subdivision.

Kindly advise as to the status of the above-entitled lot.

Jack Babcock, Chairman

/pab

cc: Building Inspector Babcock
Town Planning Board



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

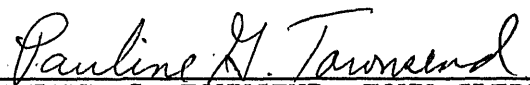
Pauline G. Townsend
TOWN CLERK

CLERK'S CERTIFICATE

I, PAULINE G. TOWNSEND, Town Clerk of the Town of New Windsor, in the County of Orange, State of New York HEREBY CERTIFY that the attached extract of the minutes has been compared by me with the minutes of the Town Board of the Town of New Windsor, in the County of Orange, State of New York, held on the 15th day of April, 1987 and the same is a true and correct transcript therefrom and of the whole thereof so far as the same relates to the subject matter referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town, this 22nd day of April, 1987.

Town Seal


PAULINE G. TOWNSEND, TOWN CLERK
Town of New Windsor E.C.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Pauline G. Townsend
TOWN CLERK

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the residents of Schiavone Road in the Town of New Windsor have entered into an agreement with the Town of New Windsor for the construction of a gravity flow sanitary sewer line located within the said road; and

WHEREAS, the installation of the said sanitary sewer line requires an easement from the lands now owned by Joseph Schiavone, Theresa Schiavone and Elaine Schiavone; and

WHEREAS, the lands of Schiavone are now encumbered with an offer of dedication established pursuant to the filing of a certain plat, laying out a road to Lakeside Drive; and

WHEREAS, the road to Lakeside Drive has never been constructed and it is not intended that it will ever be constructed; and

WHEREAS, Joseph Schiavone, Theresa Schiavone and Elaine Schiavone have agreed to execute an easement to allow the installation of the sanitary sewer line on their property in exchange for the release of the offer of dedication.

It is hereby RESOLVED that upon receipt of a fully executed easement for the installation of a sanitary sewer system on the lands of Joseph Schiavone, Theresa Schiavone and Elaine Schiavone in recordable form, the Supervisor is hereby authorized to execute a quitclaim deed to Joseph Schiavone, Theresa Schiavone, Elaine Schiavone, containing the description annexed to the deed and thereby releasing the offer of dedication for the said road.

And, it is further RESOLVED, that the Supervisor shall deliver the fully executed easement to the office of the Attorney for the Town for filing in the Orange County Clerk's Office.

Roll Call: All Ayes

Motion Carried: 5-0

REGULAR TOWN BOARD AND WATER BOARD MEETING
WED., APRIL 15, 1987

SHEET 9

#24 On Agenda - Motion - execute Quitclaim Deed-Schiavone Road

Motion by Councilman Heft, seconded by Councilman Spignardo that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, the residents of Schiavone Road in the Town of New Windsor have entered into an agreement with the Town of New Windsor for the construction of a gravity flow sanitary sewer line located within the said road; and

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And, it is further RESOLVED, that the Supervisor shall deliver the fully executed easement to the office of the Attorney for the Town for filing in the Orange County Clerk's Office.

Roll Call: All Ayes Motion Carried: 5-0

TAPE 1, SIDE B, TAPE #91

#25 On Agenda - Officials Reports

Hearing no objections, the following reports were received, recorded and filed with the Town Clerk:

Water Maintenance/Water Filter Plant report for the month of March 1987.

Tax Receiver's report for the month of March 1987.

Judge Krieger's report for the month of March 1987.

Judge Suttlehan's report for the month of March 1987.

Police report for the month of March 1987.

Recreation Department report for the month of March 1987.

Town Clerk's report for the month of March 1987.

Building Inspector's report for the month of March 1987.

Supervisor Petro: Very interesting Building Inspector's report this month. Total assessment brought in last month was \$4,730,125.00 and the.....fees were \$15,075.00. Adding

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And, it is further RESOLVED, that the Supervisor shall deliver the fully executed easement to the office of the Attorney for the Town for filing in the Orange County Clerk's Office.

Roll Call: All Ayes Motion Carried: 5-0

TAPE 1, SIDE B, TAPE #91

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Supervisor Petro: Very interesting Building Inspector's report this month. Total assessment brought in last month was \$4,730,125.00 and the.....fees were \$15,075.00. Adding approximately 30 something new houses to the Town of New Windsor, and the thirty-five seems to be the number that..... of the Building Inspector for the last almost two years now.

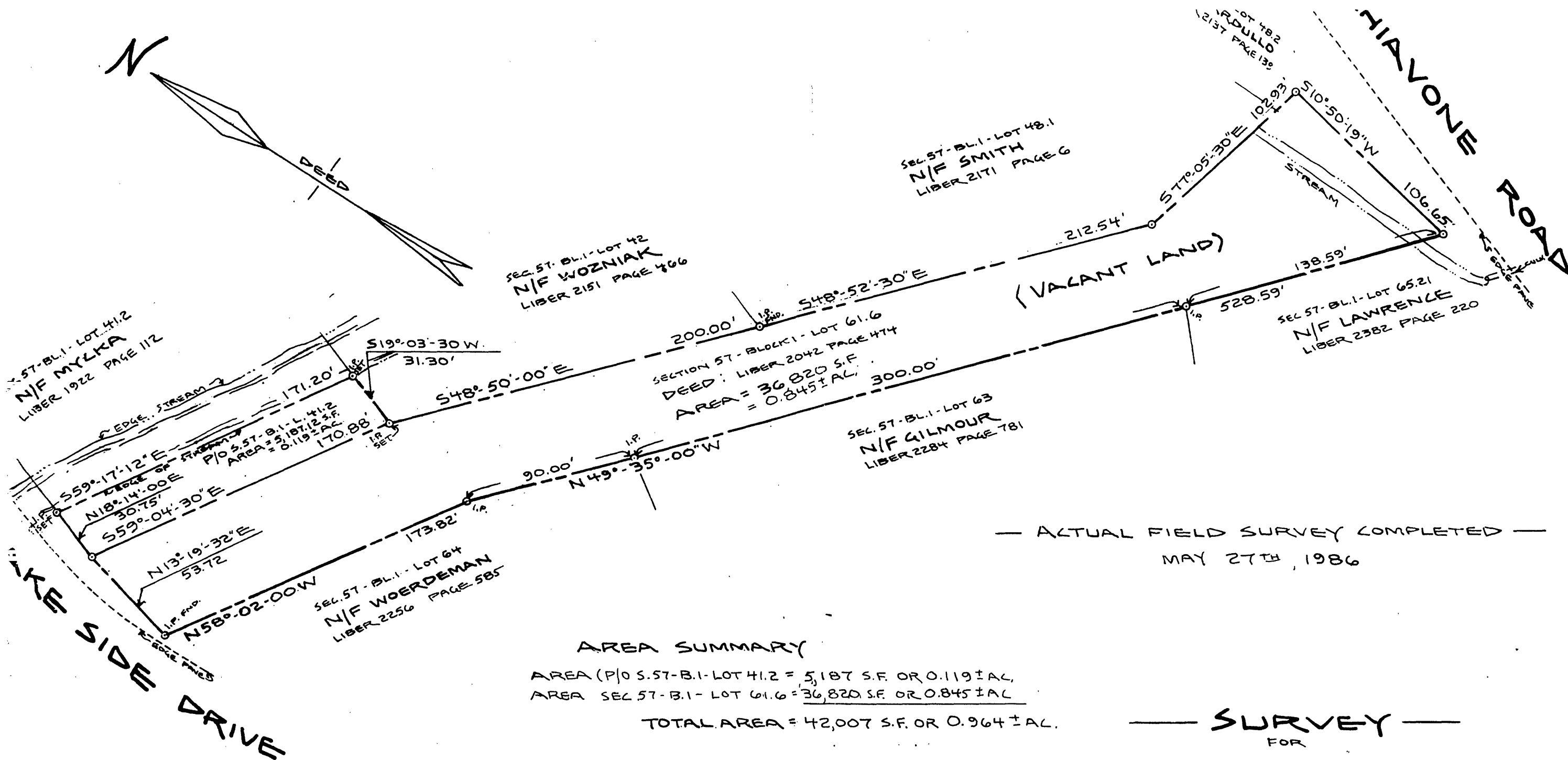
So we've been adding about 35 new houses a month to our.....

Councilman Rossini: John, what's the year that they total on the fees there.

Supervisor Petro: The month was \$2,835,000.00 and the year to date was \$4,730,125.00.

Councilman Rossini: What were the fees year to date.

Supervisor Petro: \$24,860.00.



CERTIFIED TRUE & CORRECT TO:
JOSEPH SCHIAVONE

[Signature]
RALD ZIMMERMAN P.E.S. LIC. NO. 49410
SUBJECT TO COVENANTS, EASEMENTS & RESTRICTIONS OF RECORD, IF ANY

REV: 6-14-86
REV: 7-10-86

JOSEPH SCHIAVONE		
SCALE: 1"=50'	JOB NO. 86-1	DRAWN BY: D.B.
DATE: 4-23-86	REV:	
TOWN OF NEW WINDSOR		
ORANGE COUNTY, NEW YORK		
ZIMMERMAN ENGINEERING & SURVEYING P.C. RTE. 17M, HARRIMAN, NEW YORK		

21

New Windsor

39.18

1A

1A

SCHOOL DISTRICT

21

2A

DRIVE

CORNWALL

TOWN

SCHIAVONE

VASCELLO LANDS ROAD MAP 180

VASCELLO ROAD

CHESINDI AVE

Exh. 1

INSERT A N529,000

INSERT A
1" = 200'

NOT SOCIETY NEW YORK NEW WINDSOR

AGREEMENT dated the *30th* day of *March*, 1987. between the TOWN OF NEW WINDSOR, a municipal corporation having its principal place of business at 555 Union Avenue, New Windsor, New York 12550, hereinafter referred to as "TOWN", and JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, residing at R. D. 4, Vascello Road, New Windsor, New York 12550, hereinafter referred to as "OWNERS",

W I T N E S S E T H :

WHEREAS, the TOWN desires to assist the residents or future residents on Schiavone Road in the Town of New Windsor; and

WHEREAS, the residents of the said area are desirous of having a gravity flow sewer line constructed; and

WHEREAS, there is an immediate need for the construction of the gravity flow sewer line; and

WHEREAS, easements are required to allow for the construction of the gravity flow sewer line; and

WHEREAS, a survey will be required to determine an accurate metes and bounds description for inclusion in an easement; and

WHEREAS, other sewer lines have been constructed on the lands of the OWNERS and easements for the said sewer lines have either been misplaced or were never executed; and

WHEREAS, the TOWN desires to obtain easements for the existing sewer lines as they now exist across the lands of the OWNERS.

IT IS HEREBY AGREED BETWEEN THE PARTIES HERETO:

1. The parties hereto will execute an easement incorporating the area to be used for the installation of the gravity flow sewer line.

2. The OWNER will authorize the TOWN to immediately enter upon the easement area for survey of the property and construction of a gravity flow sewer line.

3. The TOWN will cause an accurate survey of the easement area to be performed and will prepare an amended easement to accurately reflect the area to be used for the gravity flow sewer line.

4. The OWNER agrees to execute the amended easement in recordable form containing the survey description so as to convey a permanent easement of 15 ft. in width and a temporary easement of 40 ft. in width to the TOWN. The TOWN shall record the amended easement in the Orange County Clerk's Office at its own expense.

5. OWNER will also execute an easement for a 15 ft. wide permanent easement and a 40 ft. wide construction easement for the sanitary sewer line as it now exists from manhole #78 on Vascello Road to manhole #77 and from manhole #77 as the sanitary sewer line now exists along a course approximately North 75 degrees 57 minutes West 57 feet more or less to the lands now or formerly of Woerdeman. It is acknowledged by the TOWN that this easement does not cross over the lands of the OWNER all the way from manhole #77 to Lakeside Drive.

6. TOWN will execute and deliver a quitclaim deed to tax lot Section 57 - Block 1 - Lot 61.61 reserving, however, its easements across the said parcel for any utilization that may presently exist on the said parcel.

(SEAL)

John A. Petro
JOHN A. PETRO, Supervisor
TOWN OF NEW WINDSOR

x Joseph Schiavone
JOSEPH SCHIAVONE

x Theresa Schiavone
THERESA SCHIAVONE

x Elaine Schiavone
ELAINE SCHIAVONE

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

On the 30th day of March, 1987, before me personally appeared JOHN A. PETRO to me known, who being by me duly sworn, did depose and say that he resides in the TOWN OF NEW WINDSOR, Orange County, State of New York, that he is the Supervisor of the TOWN OF NEW WINDSOR, a municipal corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that it was so affixed by order of the Town Board of said corporation, and that he signed his name thereto by like order.


Notary Public

PATRICIA DELIA A. Barnhart
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

On this 30th day of March, 1987, before me personally appeared JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, to me known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same.


Notary Public

PATRICIA DELIA A. Barnhart
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

Section 57 Block 1 Lot 61.61

E A S E M E N T

EASEMENT granted this *30th* day of *March*, 1987, in consideration of the sum of ONE (\$1.00) DOLLAR, the payment of which is waived, the undersigned, JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, R. D. #4, Vascello Road, Town of New Windsor, Orange County, New York, hereinafter called "Grantor", hereby grants unto the TOWN OF NEW WINDSOR, hereinafter called the "Grantee", a municipal corporation having its office at 555 Union Avenue, Town of New Windsor, Orange County, New York, for the use of Sewer District No. 23, a perpetual easement and right of entry to enter upon and lay, install, operate, maintain and replace a pipe, pipeline, manhole or manholes, and appurtenances for conveying sewage under the property of the grantor which is described in Schedule A and B hereto attached.

The Grantor reserves the right to use and enjoy the said premises, except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sewer line or appurtenances thereto.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repairs to the sewer line, restore the surface of

said lands and premises to substantially the same condition as before such construction or repairs.

(b) That the sewer line and appurtenances placed in or under said right of way shall, at all times, remain the property of the Town of New Windsor and under its control and supervision and the Grantor and its successors and assigns shall not interfere with or cause injury to said sewer line or appurtenances.

(c) That the Grantee shall have the right to enter at any manhole or other location along the sewer line easement for the purpose of connecting to the said sewer line.

(d) That the Grantor shall have the right to place a road over or across the location of the aforesaid sewer line easement and also the right to pave any section of the said sewer line easement area for the purpose of parking facilities.

(e) That the Grantee agrees to provide reasonable and necessary surface water drainage facilities including the installment of culverts to prevent any flooding or ponding on the property of the Grantor caused by the construction and location of said sewer line.

x Joseph Schiavone
JOSEPH SCHIAVONE

x Theresa Schiavone
THERESA SCHIAVONE

x Elaine Schiavone
ELAINE SCHIAVONE

TOWN OF NEW WINDSOR

(SEAL)

John A. Petro
By: John A. Petro, Supervisor

SCHEDULE A

DESCRIPTION OF A PERMANENT EASEMENT FIFTEEN (15') FT. IN WIDTH AND A CONSTRUCTION EASEMENT FORTY (40') FT. IN WIDTH FOR A SANITARY SEWER EASEMENT THROUGH THE LANDS OF SCHIAVONE, THE APPROXIMATE CENTER LINE AS FOLLOWS:

SECTION 57 BLOCK 1 LOT 61.61
TOWN OF NEW WINDSOR - ORANGE COUNTY - NEW YORK

ALL that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the easterly boundary of the lands of the Grantor and the westerly right-of-way line of Schiavone Road, said point being located South 10 degrees - 50 minutes - 19 seconds West 18 ft. +/- from the most northeasterly corner of the lands of the Grantor; thence running in a southwesterly direction across the lands of the Grantor a distance of approximately 60 ft. +/- to an existing manhole #78 of Sewer District 23 of the Town of New Windsor.

*

*

*

SCHEDULE B

DESCRIPTION OF A PERMANENT EASEMENT FIFTEEN (15') FT. IN WIDTH AND A CONSTRUCTION EASEMENT FORTY-FIVE (45') FT. IN WIDTH FOR A SANITARY SEWER EASEMENT THROUGH THE LANDS OF SCHIAVONE AS THE SAID SEWER LINE NOW EXISTS, AND LIMITED AS FOLLOWS:

The centerline of said sanitary sewer line as it is constructed from Manhole #78 on Vascello Road to Manhole #77 on the Lands of the OWNER and from Manhole #77 on the lands of the OWNER to a point on the common boundary of the lands of the OWNER and the lands now or formerly of Woerdeman on a course from Manhole #77 approximately North 75 degrees 57 minutes West a distance of approximately 57 feet.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

On the 30th day of March, 1987, before me personally appeared JOHN A. PETRO to me known, who being by me duly sworn, did depose and say that he resides in the TOWN OF NEW WINDSOR, Orange County, State of New York, that he is the Supervisor of the TOWN OF NEW WINDSOR, a municipal corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that it was so affixed by order of the Town Board of said corporation, and that he signed his name thereto by like order.

Patricia A. Burnhart
Notary Public

PATRICIA DELIO A. Burnhart
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

STATE OF NEW YORK)
) SS.:
COUNTY OF Orange)

On this 30th day of March, 1987, before me personally appeared JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, to me known and known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same.

Patricia A. Burnhart
Notary Public

PATRICIA DELIO A. Burnhart
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 30th day of March, , nineteen hundred and Eighty-Seven.

BETWEEN TOWN OF NEW WINDSOR, a municipal corporation with its principal place of business at 555 Union Avenue, New Windsor, Orange County, New York,

a corporation organized under the laws of the State of New York, party of the first part, and

JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, R. D. 4, Vascello Road, Town of New Windsor, Orange County, New York,

parties of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN and 00/100 ----- (\$10.00) DOLLARS ----- Dollars,
the sum of which is hereby waived,
lawful money of the United States, and other good and valuable consideration,

paid by the parties of the second part does hereby remise, release and quitclaim unto the parties of the second part,

their heirs and assigns, forever,

All that certain lot, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point in the easterly right-of-way line of Lakeside Drive and being the northwesterly corner of the lands N/F of Woerdeman and running thence the following courses:

(1) N 58 degrees 02 minutes 00 seconds West 173.82 ft.,
thence

(2) N 49 degrees 35 minutes 00 seconds West 528.59 ft., to a point in the westerly right-of-way line of Schiavone Road, thence

(3) S 10 degrees 50 minutes 19 seconds West 106.65 ft. along and parallel to the westerly right-of-way of Schiavone Road, thence

(4) S 77 degrees 05 minutes 30 seconds East 102.93 ft.,
thence

(5) S 48 degrees 52 minutes 30 seconds East 212.54 ft.,
thence

(6) S 48 degrees 50 minutes 00 seconds East 200 ft., thence

(7) S 59 degrees 04 minutes 30 seconds East 170.88 ft. to the easterly right-of-way line of Lakeside Road; thence

a corporation organized under the laws of the State of New York, party of the first part, and
JOSEPH SCHIAVONE, THERESA SCHIAVONE and ELAINE SCHIAVONE, R. D. 4,
Vascello Road, Town of New Windsor, Orange County, New York,

parties of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN and 00/100 ----- (\$10.00) DOLLARS ----- Dollars,
the sum of which is hereby waived,
lawful money of the United States, and other good and valuable consideration,
paid by the parties of the second part does hereby remise, release and quitclaim unto the parties of the second
part,

their heirs and assigns, forever,

All that certain lot, piece or parcel of land, situate, lying and
being in the Town of New Windsor, County of Orange and State of
New York, bounded and described as follows:

BEGINNING at a point in the easterly right-of-way line of
Lakeside Drive and being the northwesterly corner of the lands
N/F of Woerdeman and running thence the following courses:

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thence

(2) N 49 degrees 35 minutes 00 seconds West 528.59 ft., to a
point in the westerly right-of-way line of Schiavone Road, thence

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and parallel to the westerly right-of-way of Schiavone Road,
thence

(4) S 77 degrees 05 minutes 30 seconds East 102.93 ft.,
thence

(5) S 48 degrees 52 minutes 30 seconds East 212.54 ft.,
thence

(6) S 48 degrees 50 minutes 00 seconds East 200 ft., thence

(7) S 59 degrees 04 minutes 30 seconds East 170.88 ft. to
the easterly right-of-way line of Lakeside Road; thence

(8) N 13 degrees 19 minutes 32 seconds East 53.72 ft. along
and parallel to the easterly right-of-way line of Lakeside Road
to the point or place of beginning.

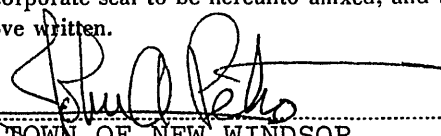
All as shown on a certified survey for Joseph Schiavone, last
revised July 10, 1986, prepared by Gerald Zimmerman, PLS.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.
TO HAVE AND TO HOLD the premises herein granted unto the parties of the second part,
their heirs and assigns forever.

This deed is subject to the trust provisions of Section 13 of the Lien Law.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

In presence of:


TOWN OF NEW WINDSOR
By.....John A. Petro, Supervisor.....

STATE OF NEW YORK COUNTY OF ORANGE ss.:

On the 30th day of March, 1987 before me came
JOHN A. PETRO,

to me known, who, being by me duly sworn, did depose and say that he resides in New Windsor, New York,
that he is the Supervisor of the Town of New Windsor,
the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation;
that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of
of said corporation; and that he signed his name thereto by like order.


Notary Public

PATRICIA C. BAUMHART
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

TOWN OF NEW WINDSOR

to

JOSEPH SCHIAVONE, THERESA
SCHIAVONE and ELAINE SCHIAVONE

DEED
QUITCLAIM — CORPORATION

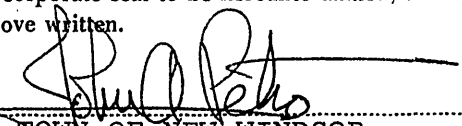
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N.Y. 12550

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.
TO HAVE AND TO HOLD the premises herein granted unto the parties of the second part,
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This deed is subject to the trust provisions of Section 13 of the Lien Law.

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of said corporation; and that he signed his name thereto by like order.


Notary Public

PATRICIA G. BANHART
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

TOWN OF NEW WINDSOR

to

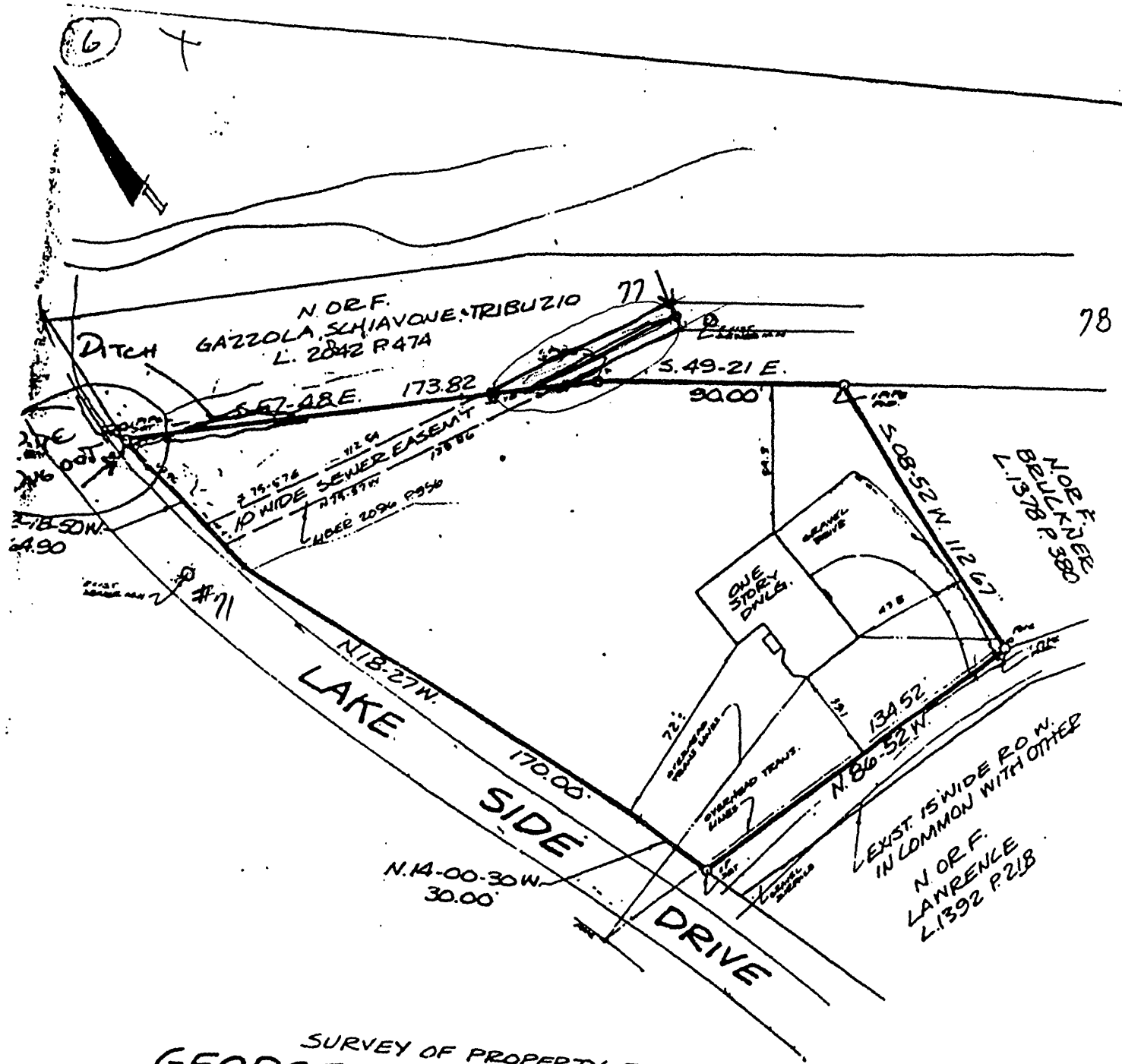
JOSEPH SCHIAVONE, THERESA
SCHIAVONE and ELAINE SCHIAVONE

DEED

QUITCLAIM — CORPORATION

ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N.Y. 12550

Reserve this space for use of Recording Office.



78

SURVEY OF PROPERTY FOR
GEORGE & ANN E. WOERDEMAN

TOWN OF NEW WINDSOR
 SCALE 1" = 50'

ORANGE COUNTY, N.Y.
 JUNE 5, 1980

AREA = 32,890 S.F. OR 0.755 ACRE

RECORD OF RECORD L 1571 P 186
 BY MAP SEC. 87-1-64

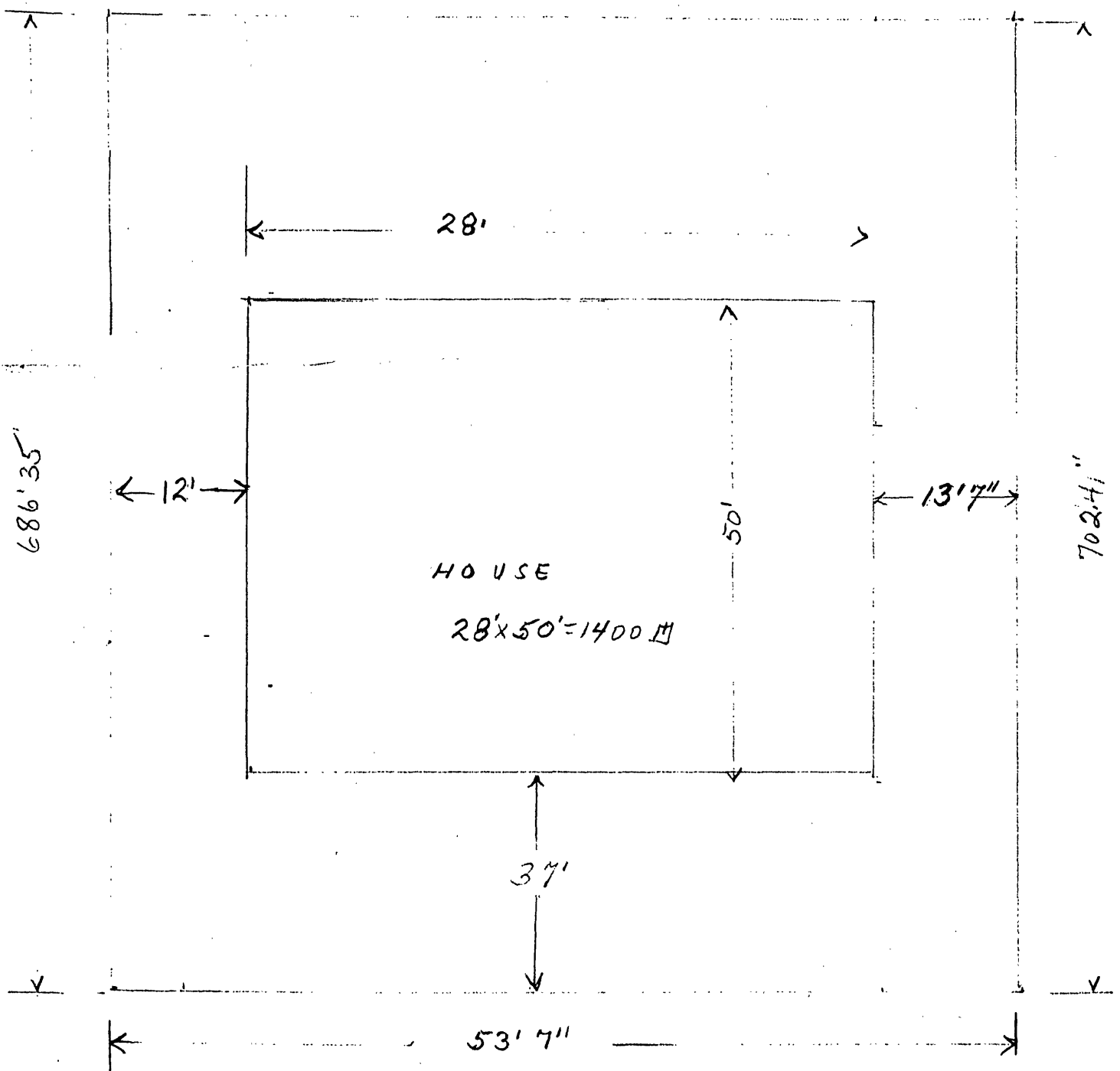
CERTIFIED TO:

GEORGE AND ANN E. WOERDEMAN, ALOYSIUS W. LOUGHREAN
 AND U.S. LIFE TITLE INSURANCE CO. TO BE CORRECT AND ACCURATE

SUBJECT TO EASEMENTS AND ROWS OF RECORD
 OTHER THAN SHOWN

EDWARD T. ZABACK L.S. 049161
 L.L. LAND SURVEYOR
 GOSHEN, N.Y.

SCHIAVONE ROAD



PLOT PLAN

LAKE SIDE DRIVE, BEAVER DAM
NEW WINDSOR

57-B1-261.61

APPROX. 36 FTD OR 0.839+ ACRES

ZIMMERMAN

ENGINEERING & SURVEYING, P.C.

Route 17M

Harriman, N.Y. 10926

(914) 782-7976

GERALD ZIMMERMAN P.E., L.S.

April 22, 1986

JOB NO. 86-1

DESCRIPTION

TAX LOT S 57 - B1 - L61.61

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Beginning at a point on the easterly side of Lakeside Drive, said point being the northwesterly corner of Lands N/F Woerdeman L 2256 - P 585; thence from said point of beginning and along the easterly side of Lakeside Drive N 10° 26' 02" E 45.61 feet to a point; thence S 59° 04' 30" E 170.88 feet to a point; thence S 48° 50' 00" E 200.00 feet to a point; thence S 48° 52' 30" E 212.54 feet to a point; thence S 77° 05' 30" E 102.93 feet to a point; thence along the westerly side of Schiavone Road S 13° 31' 35" W 113.62 feet to a point; thence N 48° 12' 07" W 528.59 feet to a point; thence N 56° 39' 07" W 173.82 feet to the point or place of beginning.

Containing 36,544 square feet or 0.839 acres of land more or less.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

86-24.

Date: 7/16/86.

I. Applicant Information:

- (a) JOSEPH T. SCHIAYONE 496-4636 X
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R-4 Lakeside Road, New Windsor 57-1-61.61 53.7 x 700'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? No
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No Yes.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. ~~Use Variance:~~

- (a) ~~Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal)~~

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. D, F & H.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width <u>100</u>	<u>53' 7"</u>	<u>46' 5"</u>
Reqd. Front Yd.		
Reqd. Side Yd. <u>15/15</u>	<u>12' 13' 7"</u>	<u>3' 11' 5"</u>
Reqd. Rear Yd.		
Reqd. Street Frontage* <u>60'</u>	<u>53' 7"</u>	<u>6' 5"</u>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

There is no additional land available to purchase in order to meet the bulk requirements of the zoning local law.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>sq.ft.</u>	<u>sq.ft.</u>	<u>sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*Single family dwelling to be constructed -
bi-level - of frame construction in conformance
with other labellings in area.*

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$25.00 payable to TOWN OF NEW WINDSOR.
- ☐ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 7/16/86

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Joseph T. Schiavone
(Applicant)

Sworn to before me this

16th day of July, 1986.

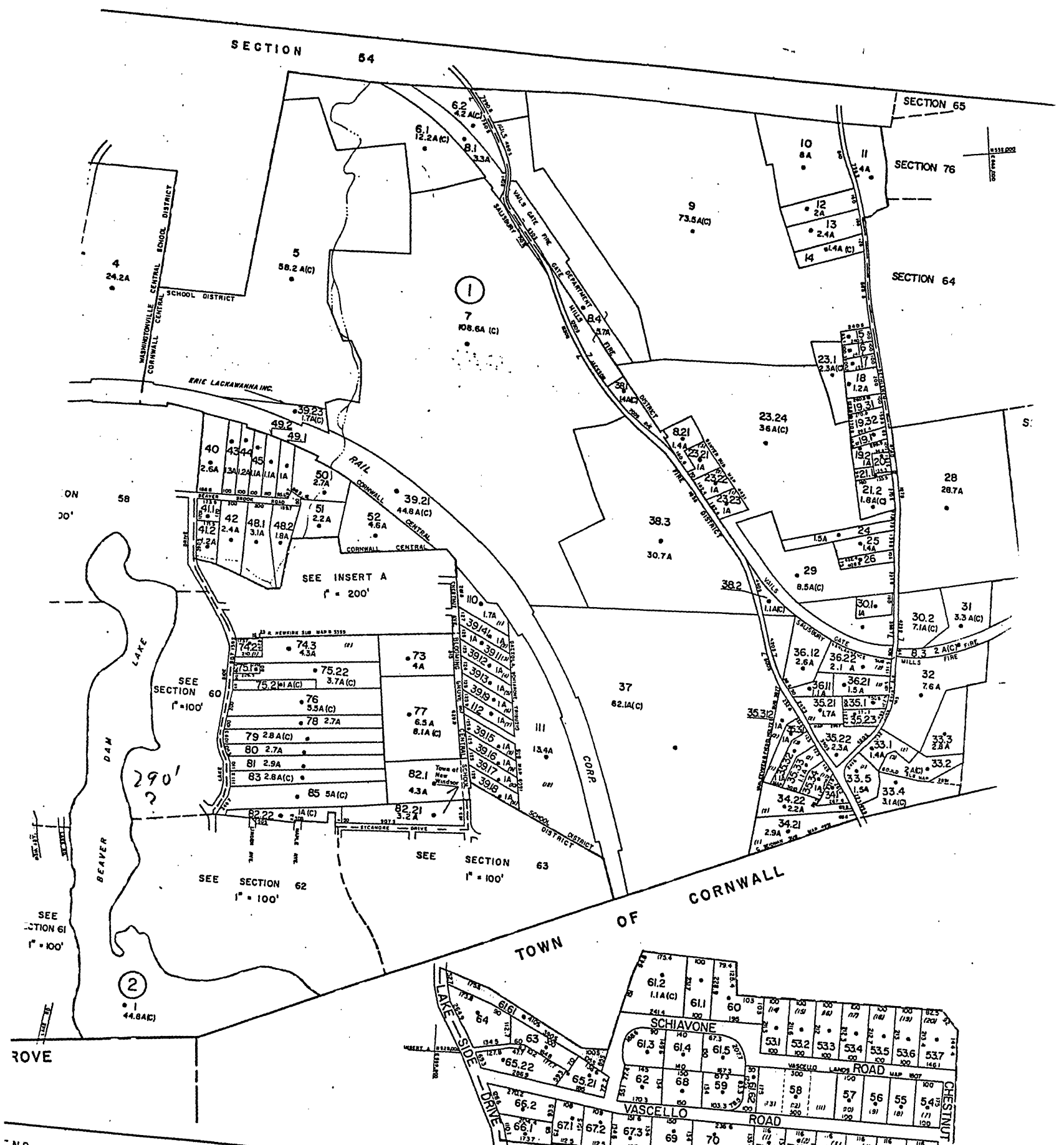
Patricia Delio

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



INDEX		
TAX MAP BLOCK NO.	32	FILED PLAN BLOCK NO.
TAX MAP PARCEL NO.	32	FILED PLAN LOT NO.
ADJACENT	STATE HIGHWAYS	STATE HIGHWAYS
DIMENSIONS	COUNTY HIGHWAYS	COUNTY HIGHWAYS
	TOWN ROADS	TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No: 6-501,500,499,498
 Date of Photo: 3-1-65
 Date of Map: 5-24-67
 Date of Revision: 5-1-64
 Scale: 1" = 400'

TOWN OF NEW
 Section No 57

53.72

39.03

92.75

8/11/86 - Public Hearing - Schuavone, Vos -

#86-24.

Name:

Address:

obj:

MR & MRS GEORGE WORDENMAN

Mark Waullang

James P. McInners

RD4 LONGSIDE DR

" Lakeside Dr.

353 Shore Drive



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

38

June 26, 1986

Re: 57-1-61.61

Dear Mr. Schiavone:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$55.00. Please remit the same to the Town Clerk, Town of New Windsor.

Very truly yours,

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/jk
Enc



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Lawrence Vincent
& Mary A
RD4 Lakeside Dr
New Windsor NY 12550

Vacek Richard J & Dawn S
406 Lakeside Dr RD4
New Windsor NY 12550

Gawricki Gary & Theresa
RD4 Lakeside Dr
New Windsor NY 12550

Schiavone Joseph & Theresa
Box 386 RD4
Vascello Rd
New Windsor NY 12550

Smith Everett W & Mary
RD4 Vascello Rd
New Windsor NY 12550

Gazzola Audrey
RD4 Vascello Rd
New Windsor NY 12550

Kenny James
& Mulrooney Mary
Box 382 RD4
Lakeside Dr
New Windsor NY 12550

Newkirk Robert B
Box 382 RD4
Sycamore Dr
New Windsor NY 12550

Tucci William J
Box 381 RD4 Lakeside Dr
New Windsor NY 12550

Retcho Terrance & Jeannette
RD4 Lakeside Dr
New Windsor NY 12550

Snipel Corp
27 Waring Rd
Newburgh NY 12550

Poje John & Rosaleen
RD4 Beaver Brook Rd
New Windsor NY 12550

Donker Myle Sr & Theodora Adriana
RD4 Box 453 Beaver Brook Rd
New Windsor NY 12550

Reynolds Vilma Lee
Box 454 RD4
Beaver Brook Rd
New Windsor NY 12550

Mroz Stanley & Irene
Box 412 RD4
Lakeside Dr
New Windsor NY 12550

Beaver Dam Lake Maintenance Assoc
RD4 Vascello Rd
New Windsor NY 12550

Peckham Richard Stephen
Box 408 RD4 Lakeside Rd
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Capecchi John & Marie
Box 428 RD4
Beaver Brook Rd
New Windsor NY 12550

Garner Jerry L & Mary E
Box 415 RD4
Lakeside Dr
New Windsor NY 12550

Mycka Richard A & Jean
Box 414 RD4
Lakeside Dr
New Windsor NY 12550

Wozniak Theodore
93 McGuinness Blvd
Brooklyn NY 11222

Coviello Rose
& Elizabeth Devito
219 Poe St
Hartsdale NY 10530

Smith James Ronald
& Stephanie Edwards
Box 417 RD4
Beaverbrook Rd
New Windsor NY 12550

Sardullo Wayne & Charlene
Box 418 RD4
New Windsor NY 12550

Mitchell Reuben W
& Elaine Stahl
Box 421 RD4
Beaver Brook Rd
New Windsor NY 12550

Mitchell Reuben & Elaine
Brimberg Max & Ruthe
Box 421 RD4
Beaver Brook Rd
New Windsor NY 12550

Graham Archibald & Patricia
Box 400 RD4
Vascello Rd
New Windsor NY 12550

Villas Peter & Patricia
1277 37th St
Brooklyn NY 11218

Orloski Steven & Richard
1277 37th St
Brooklyn NY 11218

Cassissi Dominick & Camille
RD4 Vascello Rd
New Windsor NY 12550

Palko Andrew & Angelina
70 Lake Rd
Salisbury Mills NY 12577

Bucek John & Eva
49 Orchard Dr
Monroe NY 10950

Gilmour Herbert & Jane
RD4 Lakeside Rd
New Windsor NY 12550

Woerdeman George III
& Ann & Mark & Debra
Box 407 RD4
Lakeside Rd
New Windsor NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Bajushi Daut
PO Box 246
Hackensack NJ 07602

Agresti Frank
RD4 Lakeside Dr
Box 383
New Windsor NY 12550

David Richard A
& Mary Ann
Box 381C RD4
Lakeside Dr
New Windsor NY 12550

Vitsentzos Anthony Vincent
& Marie L
Box 381B
Lakeside Dr
New Windsor NY 12550

VARIANCE LIST

57-1-61.61

Gazzola, Schiaivone &
Tribuzio
contact Joe Schiaivone
496-4636 when
complete

(all of above part
on Insert A)

~~57-1-61.1~~
~~57-1-61.2~~
~~57-1-61.3~~
~~57-1-61.4~~
~~57-1-62~~
~~57-1-63~~
~~57-1-64~~
~~57-1-65~~

57-1-67.1
57-1-67.2
57-1-67.3
57-1-69
57-1-70

57-1-40
57-1-41.1
57-1-41.2
57-1-42
57-1-43
57-1-48.1
57-1-48.2
57-1-51
57-1-52
57-1-74.2
57-1-74.3
57-1-75.1
57-1-113
57-2-1

57-1-59
57-1-60
57-1-61.1
57-1-61.2
57-1-61.3
57-1-61.4
57-1-61.5
57-1-61.62
57-1-62
57-1-63
57-1-64
57-1-65.21
57-1-65.22
57-1-66.1
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60-1-1
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~~60-1-9~~
~~60-1-10~~

58-3-6
~~58-4-7~~
58-4-8
58-4-9

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 24

Request of Joseph Schiavone

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Ordinance to

permit Construction of single-family dwelling
with insufficient lot width, sideyard & street frontage

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-12 - Table of Use/Bulk Regs. - Cols. D, F & H

for property situated as follows:

~~East~~
Westside of Lakeside Road, Beaver Dam
Lake, New Windsor, N.Y., known & designated
as Tax Map Section 57-Block 1 - Lot 61.61

SAID HEARING will take place on the 11th day of

Aug., 1986, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Jack Babcock
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING BEFORE THE ZBA - 8/11/86

DATE: July 31, 1986

Please be advised that the following public hearings will be heard before the Zoning Board of Appeals on the above date:

WINDSOR COUNSELING GROUP - Interpretation
(adjourned from 7/14/86)

SCHIAVONE, JOSEPH - Area variances;

KAHN, BERNARD - Area variances;

HORRACE, GREG/CANARY - Area variances;

HARRIS, BRYANT - Area variance;

MYHED CORP./SMITH, EVERETT & MARY - Use/Sign variance.

I have attached hereto copies of the pertinent applications (except Windsor Counseling Group which was previously submitted), together with public hearing notices which were published in The Sentinel.

Patricia Delio, Secretary
Zoning Board of Appeals

/pd

Attachments

Pat.

**PUBLIC NOTICE OF
HEARING BEFORE
ZONING BOARD OF
APPEALS
TOWN OF NEW WINDSOR**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 24
Request of Joseph Schiavone for a VARIANCE of the regulations of the Zoning Ordinance to permit construction of single-family dwelling with insufficient lot width, sideyard & street frontage being a VARIANCE of Section 48-12 Table of Use/Bulk Regs. Cols. D, F, & H for property situated as follows:
Eastside of Lakeside Road, Beaver Dam Lake, New Windsor, N.Y. known & designated as Tax Map Section 57 - Block 1 - Lot 61.61

SAID HEARING will take place on the 11th day of August, 1986, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock P.M.

Jack Babcock
Chairman
By Patricia Delio
Secretary

State of New York

County of Orange, ss:

Errett W. Smith, being duly sworn
disposes and says that he is
Publisher of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published once

in said newspaper, commencing on
the 24th day of July A.D., 1986
and ending on the 24th day of July
A.D. 1986

Errett W. Smith
Subscribed and shown to before me
this 11th day of Aug., 1986

Patricia Delio
Notary Public of the State of New York
County of Orange.

My commission expires 3/31/87

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 6970775
Qualified in Orange County
Commission Expires March 30, 1987